

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**IN RE:**

**CASE NO.: 8:16-bk-01788-CPM**

**COLLEN D. MIARS  
fka COLLEEN HUANAY  
Debtors.**

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**CHAPTER: 13**

**RESPONSE TO DEBTOR'S MOTION TO SELL HOMESTEAD AND  
REQUEST FOR ATTORNEY'S FEES [DE 29]**  
*(16825 Rosedown Glen, Parrish, Florida 34219)*

COMES NOW, **FBC Mortgage, LLC**, ("Creditor"), and submits this *Response to Debtor's Motion to Sell Homestead and Request for Attorney's Fees [DE 29]* and states as follows:

1. Creditor holds the 1<sup>st</sup> Mortgage on real property owned by Debtor located at *16825 Rosedown Glen, Parrish, Florida 34219* (the "Subject Property").
2. On September 13, 2019, Debtor filed the *Amended Motion to Sell Homestead and Request for Attorney's Fees [DE 29]* (the "Motion to Sell") indicating that the Debtor desires to sell the property and has listed, or will list, the property for sale with a realtor, and, at the time of filing this Motion the Debtor has not secured an agreement to sell the home.
3. Creditor objects to any Order binding Creditor to accept any terms of a proposed contract for sale prior to Creditor's full independent review and acceptance of proposed sale contract.
4. Creditor respectfully requests that any order on the Motion to Sell include language that the sale is subject to Creditor's review and approval. Additionally; Creditor requests the loan be paid in full and within forty-eight (48) hours of the closing date in connection to a current payoff statement generated by the Creditor.
5. The payoff statement cannot be expired at the time of the closing of the Subject Property.
6. Creditor reserves the right to supplement and/or amend this Response in the future.

WHEREFORE, **FBC Mortgage, LLC** respectfully requests the Court deny the Motion and for such other and further relief as the Court deems appropriate.

Respectfully submitted,

/s/Jeffrey Fraser, Esq.

Jeffrey S. Fraser, Esq.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the above and foregoing has been forwarded to all parties of interest via U.S. regular mail, postage prepaid, and/or via electronic file notification by the Clerk of the Court on this 16<sup>th</sup> day of September, 2019.

**SERVICE LIST**

***Debtor***

Collen D. Miars  
16825 Rosedown Glen  
Parrish, FL 34219

***Debtor's Attorney***

Richard V. Ellis  
Hausburg & Ellis, PA  
3202 North Tamiami Trail  
Sarasota, FL 34234

***Trustee***

Jon Waage  
P O Box 25001  
Bradenton, FL 34206-5001

***U.S. Trustee***

United States Trustee - TPA7/13, 7  
Timberlake Annex, Suite 1200  
501 E Polk Street  
Tampa, FL 33602

/s/Jeffrey Fraser, Esq.

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